

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – CV - Appeal Petition filed by Smt.Gadi Nagamani W/o K.V.V.A. Seshagiri Rao, Occ: Supervisor Grade-II, ICDS, Peddapuram, East Godavari Dist. –filed Under Section 7 of Act 16 of 1993, against the Proceedings, dated: 20-3-2008 of the Collector, East Godavari District - Appeal Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 201

Dated:15-11-2008.
Read the following:-

- 1.Proceedings of the Collector, East Godavari District, No.Dis.C5(M)1901/98, Dated: 20-3-2008.
- 2.Appeal Petition filed by Smt.Gadi Nagamani W/o K.V.V.A. Seshagiri Rao, Occ: Supervisor Grade-II, ICDS, Peddapuram, East Godavari Dist., filed , before M(SW&TW)) Dated:23-5-2008.
3. Memo No.4474/CV.2/2008-1, Dated: 28-6-2008.
4. From Collector, Kakinada, East Godavari District, Ref.C5(M)485/08, Dated:22-07-2008.
5. Letter No.4474/CV.2/2008-2, Dated: 12-9-2008.

ORDER:

Smt. Gadi Nagamani W/o K.V.V.A. Seshagiri Rao, has filed appeal petition before Govt. against the Proceedings, dated 20.3.2008, issued by the District Collector, East Godavari, for cancellation of her ST “ Konda Reddy” Caste Certificate, and submitted her grounds as under:-

1. The appellant mother Smt. Gadi Satyavathi is Kapu and father late Sri Gadi Venkat Rao belong to Konda Reddy ST community. The appellant completed her School studies at Z.P.High School, Y.Rama Varam, East Godavari District between 1971 to 1981. While the appellant was a child, in the School records she was shown as S.T. She joined in Intermediate in Govt. Junior College, Addateegala and in the TC of the appellant is shown as ST. As the appellant's father belongs to ST, and the appellant was also treated as ST as shown in the School records and the College records. As a matter of fact she has never obtained any caste certificate from the competent authority showing her caste status as ST, though she actually belongs to ST.
2. The appellant was appointed as Anganwadi Worker in 1982 based on her education qualifications without reference to her caste status as ST and later she appointed as Extension Officer Grade.II. In the appointment order of Anganwadi there is no mention that the appellant was appointed under ST category. As a matter of fact the authorities never insisted the appellant to produce caste certificate nor did she produce any caste certificate before or after her appointment. Whether the Dept. has treated the appellant, as ST slot is not within the knowledge of the appellant. At any rate if any person is appointed under reservation quota the authorities are expected to insist the concerned individual to produce the caste certificate issued by the Competent Authority and only after thorough verification a person can be appointed under reserved category. As the appellant was initially appointed as Anganwadi worker and thereafter as E.O. without any reference to caste status, the appointment has to be treated under OC quota only.

3. The appellant's brother Sri Gade Tataji Rao was appointed in Health Department and when his caste certificate was cancelled by the Joint Collector, he approached the Hon'ble High Court in W.P.No.14373/1990 and the court direct the authorities to conduct a fresh enquiry and to pass appropriate orders. Though there was no complaint or any necessary to refer the appellants case also as she never availed ST benefits for her appointment, the authorities have referred her case also the District Collector and placed both the cases before the DLSC.
 4. The DLSC. has to enquire into various angles of the life style of the concerned individual before concluding whether one belongs to ST or not. The said procedure has not been followed by DLSC. The DLSC. has only relied on the report of MRO, Y.Rama Varam. The MRO. has not conducted any enquiry in the presence of the appellant. The DLSC. only relief on such one-sided report of MRO, and report of CTW and also the Employer of the appellant. The positive evidence produced by the appellant showing that appellant's father belongs to ST and proving that the appellant and others are the children of such ST gentleman have been simply brushed aside.
 5. The Collector in turn has also committed the same mistake like DLSC. and concentrated only on the service register and confirmed the DLSCs report. The authorities have concentrated only on service records, but not on the actual caste status of the individual is clear from the fact that on the ground that the service register of the brother of the appellant has not been produced, his case was separated and the appellant's case was finalized. Though the status of appellant has any relevance to the appointment of the appellant as she was appointed only as OC, it is not open for the District Collector to cancel the caste status of the appellant as ST. Though the action initiated by the employer is not correct from the reasons stated above due to cancellation of ST status.
- 2) In reference 4th read above, the Govt. have obtained the parawise remarks and connected records on the appeal petition filed by Smt. Gadi Nagamani, from the District Collector, East Godavari.
- 3) The case was posted for personal hearing on 24.9.2008 at 4.00 p.m. The appellant and his counsel were present and argued the case, and requested time for a period of one week for submitting of written arguments of the case. On 1.10.2008 the Counsel for the appellant has submitted the following written arguments.
- (i) The main contention of the appellant is that she never claimed S.T. Status for her appointment as Anganwadi worker and then as Extension Officer (Supervisor) Grade.II nor she obtained S.T. certificate from the competent authority, though she actually belongs to S.T. Community. If the department (her employer) treated her under ST quota even in the absence of her claim as ST, it cannot be construed that the appellant availed ST, it cannot be constructed that the appellant availed ST status for her appointment.
 - (ii) The appellant also contends that the District Collector and the DLSC. have not considered the positive evidences furnished by her but simply based heir decision on the enquiry reports of MRO., Y.Ramavaram, and the Commissioner(TW), the service record of the appellant without conducting proper enquiry to decide the ST status of the appellant.
 - (iii) That the Collector has cancelled the certificate which was never obtained by the appellant.

(iv) The positive evidences she adduced as material papers in support of her ST status as belonging to Konda Reddy Community are copies of her.

- a. T.C, issued by the Principal, Govt. Junior College, Addateegala.
- b. Community certificate issued to her by the then Tahasildar, Yellavaram.
- c. Two community certificates of one Sri. Gaddi Thamma Rao S/o Basavaiah, R/o Ananthagiri (V) issued by the MRO., Rajavommangi, dated 13-7-1992 and 10.10.1992, as belonging to Konda Reddi community.
- d. Notary affidavits given, One by Sri. Bakuru Lakshmaiah, S/o Chinnaiah and the other by Sri Kayyam Rangaiah S/o Pavdaiah both R/o Chintakarrapalem, Y.Ramavaram (M), East Godavari district stating that Gadi Venkata Rao father of the appellant belongs to Konda Reddi. He got three children, two daughters and a son. Gadi Venkata Rao is related to Sri Achchi Raju of their village Chintakarrapalem.

(v) On perusal of the above evidences it is found that, though the caste of the appellant is mentioned as Konda Reddy, Scheduled Tribe, in the transfer certificate, it cannot be taken as a conclusive / reliable proof of her S.T status, because the caste entry in School records is based simply on the self declaration of the parents/guardian at the time of admission of their children into schools. There is no mechanism or procedure prescribed for verification or enquiry to be done on genuineness of such self declaration of caste by the parents.

4) On careful examination of the contention of the appellant in the appeal petition and written arguments, Orders of the District Collector, East Godavari discreet enquiry reports, deposition of the appellant before the District Level Scrutiny Committee, before the Enquiry Officer of Tribal Welfare Department, documentary evidences furnished by the appellant and other material on file, it is found that:-

5) With regard to community certificate of the appellant, the appellant on One side states in the Affidavit claimed that she never obtained a community certificate from the competent authority nor claimed ST status for her appointment and also stated that the District Collector, has cancelled community certificate which was never obtained by her but on the other side she is dare enough to adduce a copy of her community certificate in the material papers along with the affidavit. Though it is not mentioned in the appellant's appointment orders that she was appointed under S.T quota, from the merit list of selection of candidates and Roaster points register relating to her appointment, it is clear that she was appointed under S.T. category, against the Roaster point number 25 meant for ST candidates. Therefore, there is no merit in the contention of the appellant. There is no mention in the affidavit about Sri. Gadi Thamma Rao R/o Ananthagiri village i.e., why his certificates are filed, how he is related to appellant etc. Therefore these will not help her to prove her ST status. Enquiries in another case of Sri.Addala Nageswara Rao S/o Venkata Rao claiming as belonging to Konda Kapu community, Sri.Addala Nageswara Rao claimed that his father Addala Venkata Rao belongs to Konda kapu community and his mother (biological) Smt. Gadi Sathyavathamma belonged to Konda Reddy Community. In the enquiry in this case by the RDO, and District Tribal Welfare Officer, Rampachodavaram, the villagers of Addateegala deposed that biological mother of Sri. Addala Nageswara Rao i.e, Sathyavathamma belongs to Kapu caste and her parents were from Kovvuru (v) of West Godavari District. Sri.Addala Nageswara Rao in the affidavit filed in

W.P.No.4522 of 1989 in the Hon'ble High Court stated at para No.4 that "according to my information and knowledge, my father and mother belong to Konda Kapu community". Smt Gadi Sathyavatamma W/o Late Venkata Rao deposed before the MRO., Y.Ramavaram on 23-9-88 that her father is Jartha Bodaiah and mother is Chellayamma r/o Ducharthi (V) Addateegala (M). She belongs to Konda Reddi community. She was married to Addala Venkata Rathnam and got two sons with him (1) Addala Venkata Rathnam and (2) Addala Nageswara Rao, when her second son was of (8) months old, her husband died. She left the children with her mother-in-law and went to one Sri Gadi Venakata Rao R/o Chilakavadi Lanka (v) and lived at Palakajeedi (v). She got (3) children with Gadi Venkata Rao i.e. one son and two daughters viz., Thathaji married to a Valmiki woman called Eswari, 1st daughter Sujatha married to Sri.Manchineela Narayana Rao of Turupu kapu caste r/o Peddapuram and 2nd daughter Nagamani was one year aged her husband Gadi Venkata Rao died and then she again lived with one Sri.Pallapati Sundara Rao Native of Kakinada and belonged to Adi Andhra caste. Her husband Addala Venkata Rathnam had a brother called Addala Muneyya residing at Addateegala.

6) From the above, it is clear that Gadi Sathyavathamma is the mother of Sri.Addala Nageswara Rao through Addala Venkata Rathnam alias Venkata rao. She is also the mother of Gadi Thathaji and Nagamani (Present appellant) said to be through Gadi Venkata Rao and as stated by her, belongs to Konda Reddy community. She did not mention about the caste of Gadi Venkata Rao who is her second husband. In the same enquiry by MRO., Y.Ramavaram on 27.9.1988 one Sri Pallala Abbai Reddy S/o Linga Reddy, R/o Y.Ramavaram belonging to Konda Reddy Community and in whose house site area, Smt. Gadi Sathyavathi and her third husband P.Sundera Rao, had a residential hut and lived there, deposed that Smt. Sathyavathi came to their village with Sundara Rao, a teacher about 20 years back; that Smt. Sathyavathi got 3 children through G.Venkata Rao is not correct; She got these children with P.Sundara Rao only. Elder daughter is married in Ramavaram (v) younger daughter Nagamani was married in Addateegala village and son was married at Rampachodavaram village. Sri. Sundara Rao and Smt. Sathyavathamma both are non-Tribals only.

7) From the above information, it is very clear that Smt. Gadi sathyavathi mother of the present appellant is also the mother of Addala Nageswara Rao wherein Sri Addala Nageswara Rao admitted that his mother i.e Sathyavathi belongs to Konda Reddy Community. In this case, even Smt Sathyavathi admitted that she belongs to Konda Reddy community. But the present appellant Smt. Gadi Nagamani admitted that her mother Smt. Sathyavathi belongs to Kapu caste and she is claiming ST status because her father Gadi Venkata Rao belonged to Konda Reddy community. In the present case, the appellant failed to produce any evidence to show that her father belongs to Konda Reddy ST community. Even the identity of this Gadi Venkata Rao is obscure.

8) Further the appellant confessed before the Enquiry Officer from Tribal Welfare Department and has given a written statement that she does not belong to Konda Reddy community. This is a clear case of non-tribals who were/are residing in Agency areas for their livelihood claiming ST status, some as Konda Kapu and some as Konda Reddy by enrolling their children's caste as such in school records and also claiming as born to STs by mentioning contradictory, obscure parentage and residence in different villages/habitations to mislead enquiries. Hence it is clearly found that the contention of the appellant in the appeal petition and written arguments, are devoid of merits.

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9) In view of the above facts, and in exercise of the powers conferred under Section 7(2) of Act 16 of 1993 and Rules made there under as per G.O.Ms.No.58, SW (J)Department, dated 12.5.1997, the appeal petition filed by Smt. Gadi Nagamani W/o K.V.V.A. Seshagiri Rao, is hereby rejected, upholding the Proceedings of the District Collector, East Godavari, Kakinada, in No.Dis.C5(M)1901/98, Dated: 20-3-2008.

10) The records received from the District Collector, Kakinada, East Godavari through the reference 4th read above, are return herewith in original to him, and he is requested to acknowledge receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
PRINCIPAL SECRETARY TO GOVT.

To
The District Collector, Kakinada,
East Godavari District (WE). Original Records
File bearing No. R.Dis.No. C5(M) 1901/98, dated 16.6.2008.

Smt. Gadi Nagamani W/o K.V.V.A. Seshagiri Rao,
Occ: Supervisor Grade-II, ICDS, Peddapuram,
R/o 5-28/1, Opp. IBP Bank, Yeleswaram (P) & (M),
East Godavari District.

Sri Satish Deshpande, Advocate,
No.3-5-703, Opp: Old MLA Qtrs,
Himayathnagar, Hyderabad 500 029.

Copy to:

The PS to Minister (TW Riad.) / PS to Prl. Secretary (TW).
The Project Officer, ITDA., Rampochadavaram (for information)
The Director, Tribal Welfare Hyderabad.
Sf/Sc.

//Forwarded::By Order//

SECTION OFFICER.